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EXAMINER	
YANG, CLARA I	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/081,142	MENARD ET AL.	
	Examiner	Art Unit	
	Clara Yang	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *47-51 and 59-61* is/are allowed.

6)☒ Claim(s) *1-35,38-43,52,55-58 and 62-75* is/are rejected.

7)☒ Claim(s) *36,37,44-46,53 and 54* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5,6,7,8*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

- Page 5, line 26: Change "Opening spindle 7" to "Opening spindle 6".

Appropriate correction is required.

Allowable Subject Matter

2. Claim 36, 37, 44 - 46, 53, and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claims 47 - 51 and 59 - 61 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest at cylindrical door lock comprising: (1) an outside handle having a keyhole for inserting a key to control the rotation of the latching spindle; (2) an inside handle having a manual lock for manually controlling the rotation of the latching spindle; and (3) an electronic device (such as a motor) for controlling the rotation of the latching spindle.

Claim Objections

4. Claim 65 is objected to because of the following informalities: The first limitation requires an actuating member rotating an opening spindle. However, the specification and the drawings teach that the actuating member rotates the latching spindle. Consequently, claim 65 is understood to call for "an electronically controllable actuating member couplable to the opening spindle, wherein the actuating member rotates the latching spindle". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 - 3, 12 – 21, 23, 24 - 31, 33 - 35, 38 – 41, 43, and 62 - 64 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,933,086 (Tischendorf et al.).

Referring to claims 1, 12, 62, and 64, Tischendorf's lock system, as shown in Figs. 14 – 18, comprises: (a) a cylindrical door lock having inside spindle 42 (or opening spindle), which controls door latch 31, and a latching spindle (which is formed by drive shaft 59′ and drive screw 40) that are concentrically oriented (see Figs. 14 and 16; Col. 23, lines 24 – 26 and 45 – 67; Col. 24, lines 1 – 14 and 42 – 67; and Col. 25, lines 1 - 5); and (b) a wireless communication system formed by remote handheld controller (HHC) 400 and electronics module 500′ to transmit signals indicating the relative positions of drive screw 40 and inside spindle 42 (see Fig. 1; Col. 7, lines 49 – 50; Col. 11, lines 40 – 42 and 45 – 50; Col. 12, lines 12 - 17; Col. 16, lines 65 – 67; Col. 17, lines 1 – 7; and Col. 18, lines 52 – 57). Inside spindle 42 is understood to be an opening spindle because it opens door latch 31 by rotating with the outside door knob (see Col. 24, lines 52 – 59), thereby allowing a user to open door 19. Drive shaft 59′ and drive screw 40 are understood to form a latching spindle because drive screw 40 because drive screw 40 latches

with engagement nut lug 46 and causes engagement nut lug 46 to either engage with or disengage from engagement gear 44, placing the door hardware in an "unlocked" or "locked" mode (see Col. 24, lines 52 - 66). Per Tischendorf, the electronic lock assembly, which includes electronics 500', battery pack 28', and DC motor 21' or actuator, is sized, arranged, and configured to be utilized with a conventional door hardware lock mechanism (see Col. 7, lines 53 - 57 and Col. 22, lines 47 - 52) and is therefore an electrically controlled retrofit actuator assembly.

Regarding claim 2, Tischendorf's wireless communication system is a two-way wireless communication system, wherein the cylindrical door lock can receive signals to control the position of drive shaft 59' and drive screw 40 relative to inside spindle 42 (see Col. 11, lines 45 - 50; Col. 12, lines 12 - 17; and Col. 18, lines 52 - 57).

Regarding claim 3, Tischendorf discloses a cylindrical door lock assembly (as described above in claims 1 and 12), wherein the two-way communication between the transceivers of HHC 400 and EDL 500 is based on spread spectrum communication (SSC) technique (see Col. 4, lines 32 - 41 and Col. 14, lines 13 - 24). BLUETOOTH® is an SSC protocol.

Regarding claim 13, as shown in Fig. 14, Tischendorf's retrofit actuator assembly includes DC motor 21' (i.e., actuating member) that is coupled to drive shaft 59' and drive screw 40 (or the latching spindle) and is sized such that drive shaft 59' and drive screw 40 are engaged with inner handle 25'.

Regarding claim 14, Tischendorf discloses that DC motor 21' rotates drive shaft 59' and drive screw 40 when an appropriate electronic signal is received by the actuating member and that the rotation causes the lock mechanism to go into an unlocked or a locked state (see Col. 18, lines 52 - 67; Col. 19, lines 1 - 5; Col. 24, lines 47 - 67; and Col. 25, lines 1 - 10).

Regarding claims 15 and 63, Tischendorf's lock system comprises limit switch contacts/position sensors for sensing the position of drive shaft 59' and drive screw 40 relative to inside spindle 42 (see Col. 25, lines 5 - 10).

Regarding claim 16, Tischendorf's lock system further comprises a transceiver within EDL 500' coupled to the limit switches (not shown) for sending signals to a remote system indicating a state of the lock as indicated by the limit switches (see Fig. 7; Col. 12, lines 12 - 17; Col. 19, lines 2 - 10; and Col. 25, lines 5 - 10).

Regarding claim 17, as explained above in claim 3, Tischendorf teaches that the signals are transmitted via a Bluetooth® network.

Referring to claim 18, as explained above, Tischendorf teaches two embodiments of a lock system, each comprising: (a) retrofit actuator assembly adapted to be mounted on an existing lock to control a locking mechanism of the lock (see claims 1 and 12; Col. 3, lines 41 - 47; and Col. 7, lines 53 - 57); and (b) a two-way communication device to control the retrofit actuator assembly and to receive signals from the retrofit actuator assembly indicating a state of the locking mechanism (see claims 1, 2, 12, and 16).

Regarding claim 19, Tischendorf's retrofit actuator assembly includes DC motor 21' (see Figs. 14 - 18) or first member that is coupled to drive screw 40 via drive shaft 59' of the existing lock to rotate drive shaft 59' and drive screw 40 in response to signals received from HHC 400 (see Col. 3, lines 41 - 47 and Col. 11, lines 18 -25).

Regarding claim 20, as explained above in claims 1 and 12, Tischendorf's EDL 500' is adapted to be mounted to a cylindrical door lock of the type having spindle 42 (i.e., an outer opening spindle) and an inner latching spindle (formed by drive shaft 59' and drive screw 40) that are concentrically oriented (see Figs. 14 - 18).

Regarding claim 21, Tischendorf teaches that the retrofit actuator assembly includes: (a) DC motor 21' or first member that is coupled to drive screw 40 via drive shaft 59' (see claim 19); and (b) engagement nut lug 46 or second member that is coupled to drive screw 40 when the lock is to be unlocked and rotates relative to spindle 42, wherein drive screw 40 rotates relative to spindle 42 when engagement nut lug 46 rotates relative to DC motor 21 (see Col. 24, lines 47 - 59).

Regarding claim 23, in the first embodiment, Tischendorf discloses that interior handle 25 of EDL 500 is equipped with central button 29a for manual switching of the EDL from the locked to the unlocked state and vice-versa (see Col. 12, lines 51 - 54).

Referring to claim 24, HHC 400 and EDL 500 of Tischendorf's cylindrical door lock assembly (as described above in claims 1, 3, and 12) include transceivers that communicate bi-directionally using the BLUETOOTH® protocol; thus the transceivers are Bluetooth® transceivers.

Regarding claim 25, as explained above in claim 2, Tischendorf teaches that EDL 500's transceiver can receive signals to control the locked state of cylindrical door lock.

Regarding claim 26, as previously explained in claims 1, 12, and 16, Tischendorf's cylindrical door lock includes a latching spindle and an opening spindle in a concentric relationship, wherein the cylindrical door lock transmits signals indicating the position of the latching spindle relative to the opening spindle.

Referring to claim 27, Tischendorf's method of determining a state of a door locking mechanism includes the step of electrically sensing the position of drive screw 40 relative to spindle 42 (see Col. 19, lines 2 - 10; Col. 24, lines 47 - 56; and Col. 25, lines 5 - 10).

Regarding claim 28, per Tischendorf, once the limit switches send a control signal indicating the position of drive screw 40, EDL 500 transmits a signal representing the position to HHC 400' (see Col. 12, lines 12 - 17; Col. 17, lines 5 - 7; and Col. 25, lines 5 - 10).

Regarding claim 29, as explained in claim 3, Tischendorf's method includes transmitting the signals via a Bluetooth® network.

Regarding claim 30, Tischendorf teaches that counter-clockwise rotation of drive screw 40 causes drive screw 40 to engage engagement nut lug 46, causing engagement nut lug 46 to engage with engagement gear 44 and enabling spindle 42 to rotate with the outside door knob to open the latch (see Col. 24, lines 47 - 56). The counter-clockwise rotation also causes the limit switches to transmit a signal indicating that engagement nut lug 46 is operatively engaged, whereas a clockwise rotation causes the limit switches to transmit a signal indicating that engagement nut lug 46 is operatively disengaged (see Col. 25, lines 5 - 10); thus the limit switches are able to sense the direction of rotation of drive screw 40.

Referring to claims 31 and 33, Tischendorf's method of controlling a cylindrical door lock comprises: (a) HHC 400 sending a signal to EDL 500' (or actuating member), which is coupled to a drive shaft 59' and drive screw 40 (see Figs. 14 - 18; Col. 11, lines 45 - 50); (b) DC motor 21' rotating the latching spindle relative to an opening spindle of the cylindrical door lock in response to the electronic signal, wherein drive screw 40 either locks or unlocks a lock mechanism of the cylindrical door lock (see Col. 11, lines 58 - 67; Col. 12, lines 1 - 17; Col. 19, lines 2 - 10; Col. 24, lines 47 - 67; and Col. 25, lines 1 - 5); and (c) a pair of limit switches sensing a position of the actuating member and causing EDL 500' to transmit signals indicating the position to HHC 400 (see Col. 12, lines 12 - 17; Col. 17, lines 5 - 7; and Col. 25, lines 5 - 10).

Regarding claim 34, as explained in claim 3, Tischendorf's method includes transmitting the signals via a Bluetooth® network.

Referring to claim 35, as explained above in claims 1 and 12 - 14, Tischendorf teaches all the limitations of claim 35.

Regarding claims 38 and 40, Tischendorf's retrofit assembly includes latch switches or position sensor for sensing a position of drive screw 40 (see Col. 25, lines 5 - 10).

Regarding claim 39 and 41, Tischendorf's EDL 500' includes a transceiver coupled to the latch switches for sending signals indicating if engagement nut lug 46 is in the locked or unlocked position (see Col. 12, lines 12 - 17; Col. 19, lines 2 - 10; and Col. 25, lines 5 - 10).

Regarding claim 43, Tischendorf teaches that limit switch 57 interacts with leaf spring contact 58 to stop motor 21 when the EDL is in a locked and an unlocked state (see Col. 12, lines 9 - 17). Per Tischendorf, limit switch 57 is located on gear reducer 22 and is used to cut the power to motor 21 when rotation has been achieved (see Col. 10, lines 60 - 64 and Col. 12, lines 36 - 40). Consequently, motor 21 receives electrical power only when it is rotating the latching spindle.

7. Claims 4 - 8, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No US 2002/0178385 A1 (Dent et al.).

Referring to claims 4, 6, and 7, Dent's lock system, as shown in Fig. 1, comprises: (a) electronic door lock (EDL) 20 incorporating wireless interface 28, which is a transceiver (see Sections [0012], [0013], [0015], and [0020]); and (b) wireless communication device 100, which is a cellular phone or a personal digital assistant (PDA) (see Sections [0013] and [0017]).

Regarding claim 5, Dent's wireless communication device 100 is adapted to control a locked state of the door lock and to receive information from EDL 20 (see Section [0013]).

Referring to claim 8, 10, and 11, Dent's EDL 20 or door lock assembly, as shown in Fig. 4, comprises: (a) a lock mechanism for placing the lock assembly into an unlocked state or a locked state; (b) actuator 22 to control the lock mechanism; and (c) wireless interface 28 or BLUETOOTH® transceiver coupled to the actuator 22 via control unit 24. (See Sections [0012], [0013], [0020], and [0029]). As mentioned above in claim 4, Dent's system includes wireless communication device 100, which is a cellular phone or PDA, to communicate over a two-way wireless network with EDL 20's wireless interface 28.

8. Claims 35 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,421,178 (Hamel et al.).

Referring to claim 35, Hamel's motorized lock actuator for a cylindrical lockset is designed to make it possible for current owners of conventional, fully mechanical cylindrical lockset to retrofit such locksets with the motorized lock actuator (see Hamel, Col. 2, lines 27 - 22). Referring to Hamel's Figs. 1 and 3, the cylindrical lockset includes: handle sleeves 48 and 58, which are opening spindles because each causes its roll-back cam to roll back retractor assembly 17 and retract spring-biased latch bolt 18 into door 12 when a user rotates handle sleeve 48 (or handle sleeve 58) via outside handle 14 (or inside handle 16) (see Hamel, Col. 5, lines 42 - 68); and spindle 30 and plunger 26, which are coaxial with handle sleeves 48 and 58 and form a latching spindle (see Hamel, Col. 6, lines 36 - 49 and Col. 8, lines 24 - 61). Per Hamel, (a) motor-controlled lock actuator 24 (i.e., an electronically controllable actuating member) includes motor 86 that is coupled to spindle 30 and is positioned in the lockset such that handle sleeve 58 is engageable with inside handle 16 (see Hamel, Col. 5, lines 58 - 68 and Col. 6, lines 16 - 49), and (b) motor 86 rotates spindle 30 relative to handle sleeve 58 when an

appropriate electronic signal is received by motor 86, the rotation causing the lock mechanism to go into an unlocked or a locked state (see Hamel, Col. 6, lines 36 - 49 and Col. 8, lines 24 - 61).

Referring to claim 52, Hamel's method for retrofitting a cylindrical door lock comprises: (a) installing motor 86 on the latching spindle, which is formed by spindle 30 and plunger 26, so that handle sleeve 58 (i.e., an opening spindle) includes an exposed end for engaging with inside handle 16 (see Fig. 1 and Col. 5, lines 53 - 68). Per Hamel, motor 86 rotates spindle 30 relative to handle sleeves 48 and 58 when an appropriate signal is received by motor 85, causing locking lug 20 to go into an unlocked or a locked state (see Col. 6, lines 36 - 49 and Col. 8, lines 24 - 61).

9. Claims 35 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,720,861 (Rodenbeck et al.).

Referring to claim 35, Rodenbeck's remote access control system 22, as shown in Fig. 3, comprises lock mechanism 15 and latch bolt retractor assembly 48 (see Col. 5, lines 46 - 50). Rodenbeck teaches that lock mechanism 15 could be any type of lock mechanism including cylindrical lock mechanisms disclosed in U.S. Patent No. 5,421,178 (Hamel et al.), which teaches all the limitations of claim 35 as previously explained.

Regarding claim 42, Rodenbeck's remote access control system 22 also includes: (a) transmitter 80 and receiver 82, which form a transceiver, for receiving signals from central access control system 20 (i.e., a remote host system) and for transferring the signals to the actuating member, wherein the signals control the rotation of the actuating member by determining which tokens 13 have access to which doors 14 (see Col. 3, lines 26 - 40 and 57 - 67; Col.. 4, lines 1 - 6 and 22 - 55; and Col. 5, lines 9 - 20).

10. Claims 55 - 57 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,936,544 (Gonzales et al.).

Referring to claim 55, as shown in Figs. 1 and 2, Gonzales teaches a wireless access system 10 comprising central control unit 12 and doors 30*a-n*, wherein each door 30 has a door access granting module 24*i* (i.e., a door lock assembly) that includes: (a) lock hardware 40*i*-4 (see Col. 3, lines 24 - 28); (b) lock status switch 40i-17 for sensing the unlocked or locked state of the lock assembly (see Col. 3, lines 33 - 36 and Col. 4, lines 1 - 5 and 57 - 60); and (c) card reader 40*i*-10 and keypad 40*i*-11 (i.e., door entry modules) (see Col. 3, lines 29 - 32 and 45 - 47). Per Gonzales, control unit 12 is in 2-way communication with module 24*i*, wherein control unit 12 controls the unlocked or locked state of module 24*i* (see Col. 3, lines 45 - 64).

Regarding claim 56, Gonzales discloses that control unit 12 receives signals from each module 24*i* indicating that the module is in an unlocked or a locked state (see Col. 57 - 60).

Regarding claim 57, Gonzales also teaches that module 24*i* includes door status switch 40*i*-15 for sensing whether door 30 is opened or closed, wherein control unit 12 receives signals indicating whether door 30 has been opened or closed (see Col. 3, lines 33 - 36 and Col. 4, lines 1 - 5 and 57 - 60).

11. Claims 65 - 67 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,782,118 (Chamberlain et al.).

Referring to claim 65, as shown in Figs. 1 - 3, Chamberlain's retrofit assembly comprises DC electric motor 20 and gear box 30, which form an electronically controllable actuating member, coupled to opening spindle 10, wherein motor 20 rotates latching spindle 31 when an appropriate electronic signal is received (see Col. 3, lines 4 - 22 and 38 - 67; and Col. 4, lines 1 - 39).

Regarding claim 66, as shown in Fig. 1, opening spindle 10 is engageable with inside lever A. Because Chamberlain addresses the problem of motor burnout due to a person leaning on the door lever or knob while operating the lock (see Col. 1, lines 25 - 30) and that spindle 10 includes knob catch 130 (see Col. 5, lines 21 - 25), it is understood that lever A also represents a knob.

Regarding claim 67, DC motor 20 is coupled to latching spindle 30 in order to control latching spindle 30's rotation relative to opening spindles 10 and 50.

12. Claims 68 - 73 and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0180582A1 (Nielsen).

Referring to claims 68 and 71, Nielsen's lock system, as shown in Fig. 2*b*, comprises: (a) lock control unit 221; and (b) electronic key device 201 (i.e., a two-way communication device) for communicating with lock control unit 221 and access code management system 211 (i.e., remote device). Nielsen teaches that lock control unit 221 and electronic key device 201 communicate via radio communication that follows the Bluetooth® protocol (see Section [0125]). Because the Bluetooth® protocol requires handshaking in order to establish communication, lock control unit 221's receiver 227 and electronic key device 201's communications port 209 must be transceivers that communicate bi-directionally when the Bluetooth® protocol is implemented. Still referring to Fig. 2b, electronic key device 201 communicates bi-directionally with access code management system 211 via communications network 241 (i.e., a two-way network) (see Sections [0127] and [0128]).

Regarding claims 69 and 72, Nielsen discloses that communications network 241 is a radio-based communication network (i.e., a wireless network), such as a standard mobile

telephone network (see Section [0127]), and that electronic key device 201 is a mobile phone (see Section [0125]).

Regarding claim 70, per Nielsen, electronic key device 201 can send a selected access code to access code management system 211 for verification via the Internet (see Section [0131]); thus communications network 241 can also be the Internet.

Regarding claim 73, lock control unit 221 has a communication unit 225 for communicating with access code management system 211 (i.e., central host system that is a two-way communication device), which communicates bi-directionally with electronic key device 201 (i.e., a remote device) (see Fig. 1*b* and Sections [0115] and [0128]).

Referring to claim 75, Nielsen teaches all the limitation as explained above in claims 68, 71, and 72. As previously described in those claims, Nielsen's electronic key device 201 is a short-range two-way communication device when communicating with lock control unit 221 using the Bluetooth® protocol and a long-range two-way communication device when communicating with access code management system 211 via communications network 241, which is a standard mobile telephone network.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No US 2002/0178385 A1 (Dent et al.) as applied to claim 8 above, and further in view of U.S. Patent No. 5,933,086 (Tischendorf et al.).

Regarding claim 9, Dent is silent on actuator 22 sending signals to wireless communication device 100 indicating a position of the lock mechanism.

In an analogous art, Tischendorf teaches a lock system comprising: (a) a door lock assembly having a lock mechanism (see Figs. 14 – 18; Col. 24, lines 47 – 67; and Col. 25, lines 1 - 5); (b) DC motor 21′ to control the lock mechanism (see Col. 24, lines 42 - 47); and (c) electronics module 500′ or transceiver for two-way communication with HHC 400 (see Col. 11, lines 40 – 42 and 45 - 50; Col. 12, lines 12 – 17; Col. 18, lines 52 - 57; and Col. 22, lines 43 - 47). Per Tischendorf, the length of energizing the DC motor is controlled by a pair of limit switch contacts that provide control signals that indicate when the engagement nut is operatively engaged with or disengaged from the engagement gear (see Col. 25, lines 5 - 10), thereby causing EDL 20 to transmit a signal to HHC 400 to indicate that EDL 20 is either locked or unlocked (see Col. 12, lines 12 - 17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lock system of Dent as taught by Tischendorf because an actuator 22 that sends signals to wireless communication device 100 via wireless interface 28

enables a user to confirm the position of EDL 20's lock, thereby making the system more user-friendly.

16. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,933,086 (Tischendorf et al.) as applied to claims 18 and 24 above, and further in view of U.S. Patent Application Publication No US 2002/0178385 A1 (Dent et al.).

Regarding claim 22, Tischendorf is silent on HHC 400 being a cellular phone.

As explained above in claims 4, 6, and 7, Dent's two-way wireless communication device 100 is a cellular phone or a personal digital assistant (PDA) (see Sections [0013] and [0017]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lock system of Tischendorf as taught by Dent because a cellular phone that is able to communicate with EDL 500' eliminates the need for an separate HHC 400, thereby making the system user-friendly.

17. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,933,086 (Tischendorf et al.) as applied to claim 31 above, and further in view of U.S. Patent No. 5,321,963 (Goldman).

Regarding claim 32, Tischendorf fails to teach the step of sensing whether a door in which the cylindrical door lock is mounted in is open or closed.

In an analogous art, Goldman teaches a method for controlling an electronic lock system comprising the steps of: (a) control unit 116 sending a signal to locking unit 114 (see Col. 1, lines 22 - 27); (b) optical sensor 118 sensing whether door 112 is opened or closed (see Col. 2, lines 63 - 68 and Col. 3, lines 1 - 23 and 31 - 36); and (c) control unit 116 unlocking/locking locking unit 114 based on door 112's position (see Col. 1, lines 59 - 65 and Col. 3, lines 1 - 23).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Tischendorf as taught by Goldman because the step of sensing whether a door in which the cylindrical door lock is mounted in open or closed prevents damage of the retrofit actuator assembly by ensuring that the door is properly closed prior to locking (see Goldman, Col. 1, lines 28 - 32).

18. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,936,544 (Gonzales et al.) as applied to claim 55 above, and further in view of U.S. Patent No. 6,243,010 (Addy et al.).

Regarding claim 58, Gonzales is silent on system 10 including an alarm that is coupled to control unit 12, wherein control unit 12 is configured to disarm the alarm system before a user opens door 30.

In an analogous art, Addy teaches a security system comprising a central control module, which includes adaptive console 44 and central control unit 12, and wireless key 34. Per Addy, wireless key 34 transmits a message 38, which includes identification code 36, to adaptive console 44 (see Fig. 3; Col. 6, lines 13 - 20; and Col. 7, lines 5 - 8). As shown in Fig. 3, central control unit 12 is coupled to siren 26. Addy discloses that adaptive console 44 verifies the received identification code 36 and status bits against a set of valid identification codes and status bits and determines the function(s) mapped to identification code 36 (see Col. 7, lines 14 - 25). These functions, according to Addy, include arming and disarming the security system (see Col. 7, lines 25 - 27). Consequently, adaptive console 44 is configured to disarm the security system before a door is opened.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Gonzales as taught by Addy because a control

unit 12 that is coupled to an alarm and is able to disarm the alarm before door 30 is opened (1) enhances security and (2) prevents actuation of the alarm when door 30 is being accessed by an authorized person.

19. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0180582A1 (Nielsen).

Nielsen teaches that electronic key device 201 can be a computer with access to the Internet for communicating with access code management system 211 (see Section [0131]) but omits teaching that electronic key device 201 communicates with access code management system 211 via a modem. However, the Examiner takes Official Notice that computers accessing the Internet via modems are well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nielsen's electronic key device 201 such that it communicates with access code management system 211 via a modem and the Internet because modems are commercially available devices that enable a computer to send digital signals over the analog public switched telephone network (PSTN), which is usually more reliable than wireless networks.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BRIAN ZIMMERMAN
PRIMARY EXAMINER